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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,171	09/21/2000	Daniel M. Lewin	12293:41	9140
20873	7590	03/09/2005	EXAMINER	
LOCKE LIDDELL & SAPP LLP			CHANG, JUNGWON	
ATTN: SUE COTT			ART UNIT	PAPER NUMBER
2200 ROSS AVENUE			2154	
SUITE 2200				
DALLAS, TX 75201-6776			DATE MAILED: 03/09/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/666,171	LEWIN ET AL.	
	Examiner	Art Unit	
	Jungwon Chang	2154	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Amendment filed on 5/6/2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

FINAL ACTION

1. This office action is responsive to the amendment filed on May 6, 2004. Claim 1 is amended, claims 5 and 6 are newly added. Claims 1-6 are presented for examination.
2. The objection of drawings is withdrawn in responsive to the filing of corrected drawings filed on 5/6/2004.
3. The text of those sections of Title 35, U. S. Code 103 not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - i. as to claim 1, line 11, it is not clearly understood what is meant by "objects served form the third party cache" (i.e., "objects served from the third party cache");

ii. as to claim 5, line 3, it is not clear what the "CIDR" stands for (i.e., Common InterDomain Routing);

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharber (US 6,542,964 B1), in view of Einarson et al. (US 6,704,781), hereinafter Einarson.

7. As to claim 1, Scharber discloses the invention substantially as claimed, including a content delivery method operative in a network (i.e., allowing a cache server to serve as an economical distribution mechanism; col. 4, lines 18-26), comprising:

configuring a third party cache (5, 17, 20, 22, fig. 1) into a registration server (i.e., origin server; 19, fig. 1) of a content delivery network (i.e., service provider network, fig. 1) having a set of edge caches (i.e., edge cache servers, 14, fig. 1; col. 2, lines 1-10) located at given network locations by transferring information and content data from the third party cache to the registration server (i.e., origin server (38, fig. 2) and cache (36, fig. 2) communicate via bi-directional communication link that allows to transfer information and data in both direction); and by transferring information and data from the registration server of content delivery network to the third party cache (i.e., transfer particular content across the peering point only once and then serve all subsequent requests for that content from the cache, 17, fig. 1; col. 2, lines 11-26; storing content of a particular type at cache server according to a site (origin server; col. 5, lines 66-

67) with the content; col. 5, lines 53-67);

responsive to given content requests received at the third party cache,
serving requested objects from the third party cache (col. 7, lines 13-23; col. 9,
lines 10-23).

8. Scharber discloses the third party cache retrieves the requested content
requested by the client from the registration server (col. 4, lines 48-51; col. 7,
lines 17-20 and 50-52; col. 5, lines 19-21). Einarson discloses registering a third
party cache (102, fig. 1) into a registration server (106, fig. 1) (i.e., offering
caching services to a server through network; col. 1, lines 10-17; col. 4, lines 4-6
and 22-19). It would have obvious to one of ordinary skill in the art at the time the
invention was made to combine the teachings of Scharber and Einarson because
Einarson's registering method would improve the security of Scharber's system
by allowing the third party cache which located outside the content delivery
network to obtain authorization to access the registration server.

Scharber does not specifically disclose periodically transferring a log from the
third party cache to the content delivery network identifying the objects served
from the third party cache. Einarson discloses periodically transferring a log from
the third party cache to the content delivery network identifying the objects
served from the third party cache (i.e., caching status information sent to the
server includes logs of hits for each page (provides comprehensive reports back
to the origin server); col. 3, lines 16-22). It would have been obvious to one of

Art Unit: 2154

ordinary skill in the art at the time the invention was made to combine the teachings of Scharber and Einarson because Einarson's log information would allow the content delivery network to analyze the hit rate for the contents served by the third party cache.

9. As to claim 2, Scharber does not specifically disclose periodically transferring a log from the third party cache to the content delivery network identifying the objects served from the third party cache. Einarson discloses periodically transferring a log from the third party cache to the content delivery network identifying the objects served from the third party cache (i.e., caching status information sent to the server includes logs of hits for each page (provides comprehensive reports back to the origin server); col. 3, lines 16-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Scharber and Einarson because Einarson's log information would allow the content delivery network to analyze the hit rate for the contents served by the third party cache.

10. As to claims 3 and 4, Scharber does not specifically disclose having the content delivery network bill a content provider for delivery of the given content from the third party cache. However, Einarson discloses having the content delivery network bill a content provider for delivery of the given content from the third party cache (i.e., requested fees for caching origin server content, a summary of charges for caching services; col. 2, lines 37-41; bill the owner of the

Art Unit: 2154

origin servers and to pay the owners of the caching appliances; col. 5, lines 36-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Scharber and Einarson because Einarson's billing for delivery of the content would increase revenue by providing the delivery service.

11. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

Art Unit: 2154

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone number for the organization where this application or proceeding is assigned is (703)746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

JWC
August 25, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100